



## MIGRANTS FROM EASTERN CATHOLIC CHURCHES IN GERMANY

[ESP] *Migrantes de las iglesias católicas orientales en Alemania*

Fecha de recepción: 14 septiembre 2020 / Fecha de aceptación: 9 noviembre 2020

BURKHARD J. BERKMANN

*Ludwig-Maximilians-Universität of Munich*

(Germany)

b.berkmann@lmu.de

**Abstract:** In 2015, about one million refugees arrived in Germany including 200,000 Christians from the Middle East. To an increasing extent, these are members of Eastern Catholic churches. This poses a new challenge to the pastoral structures which are shaped by the Western Latin church. From a Canon Law perspective, two issues are of particular importance: administration of the sacraments beyond the borders of the *Ecclesiae sui iuris* and creation of organisational structures. The various solutions provided by Canon Law lie in a field of tension between integration and identity. On one hand, Eastern Catholic churches are in full communion with the Latin church and are therefore completely integrated in this respect. True equality exists between all the faithful (c. 11 CCEO) and they can receive sacraments in the Latin church. On the other hand, Canon Law protects their identity which is based on historically important traditions (e.g. right and obligation to observe the own rite, cc. 17 and 40 § 3 CCEO).

**Keywords:** Oriental Catholics; Canon Law; rites; diaspora; sacraments; pastoral structures.

**Zusammenfassung:** Im Jahr 2015 kam etwa eine Million Flüchtlinge nach Deutschland, darunter ca. 200.000 Christen aus dem Orient. In zunehmender Zahl handelt es sich auch um Angehörige katholischer Ostkirchen. Das stellt die von der lateinischen Westkirche geprägten pastoralen Strukturen vor eine völlig neue Herausforderung. Aus der Sicht des Kirchenrechts geht es vor allem um zwei konkrete Fragen: die Sakramentenspendung über die Grenzen der *Ecclesiae sui iuris* hinweg und die Schaffung von Verfassungsstrukturen. Die verschiedenen Lösungen, die das Kirchenrecht dafür bereit hält, stehen im Spannungsverhältnis zwischen Integration und Identität. Einerseits stehen die katholischen Ostkirchen in der vollen *Communio* und sind in diesem Sinn voll integriert. Die Gläubigen können die Sakramente grundsätzlich auch in der lateinischen Kirche empfangen und zwischen allen Gläubigen besteht wahre Gleichheit (c. 11 CCEO). Andererseits schützt das Kirchenrecht ihre Identität, die auf kirchengeschichtlich bedeutsamen Traditionen beruht. So sind die Gläubigen verpflichtet, den eigenen Ritus zu bewahren (c. 40 § 3 CCEO), und sie haben ein Recht auf Liturgie gemäß den eigenen Vorschriften (c. 17 CCEO).

**Stichwörter:** Ostkatholiken; Kirchenrecht; Riten; Diaspora; Sakramente; Seelsorgestrukturen.



## 1. THE DIMENSIONS OF MIGRATION TO GERMANY

A large number of refugees are currently coming to Germany; in 2015 alone there were around one million<sup>1</sup>. Many of them come from the Middle East, predominantly Syria and Iraq, but also from North African countries such as Egypt, Ethiopia and Eritrea. Most of them are Muslims, but experts estimate around ten to twenty per cent of the refugees to be Christians<sup>2</sup>. This means that in 2015 alone up to 200.000 Christians came to Germany from the East<sup>3</sup>. The vast majority of them belong to Orthodox Churches, but the number of Catholics from Eastern Catholic Churches is increasing too due to the movement of refugees from the Near and Middle East, as well as from African countries<sup>4</sup>. Their number should stand in the tens of thousands<sup>5</sup>.

## 2. WHAT ARE THE EASTERN CATHOLIC CHURCHES?

The Catholic Church in total consists of several autonomous Churches, in Latin: *ecclesiae sui iuris*. The Western Latin Church is only one of them and is joined by twenty-three Eastern Catholic Churches possessing equal rights<sup>6</sup>. The Second Vatican Council commented on these Churches in Art. 23 *Lumen gentium*. It says:

*“By divine Providence it has come about that various churches, established in various places by the apostles and their successors, have in the course of time coalesced into several groups, organically united, which, preserving the unity of faith and the unique divine constitution of the universal Church, enjoy their own discipline, their own liturgical usage, and their own theological and*

<sup>1</sup> Cf. GERMAN BISHOPS' CONFERENCE., «Christen aus dem Orient. Orientierung über christliche Kirchen im Nahen Osten und Nordafrika und die pastorale Begleitung ihrer Gläubigen in Deutschland», in *Arbeitshilfen* 283 (2016), p. 3.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Cf. KONERSMANN, P., «Integration von zugewanderten Christen fördern. "Die Seele nachkommen lassen"», In *DOMRADIO.DE* del 19.11.2017 [<https://www.domradio.de/themen/weltkirche/2017-11-19/integration-von-zugewanderten-christen-foerdern>. accessed 5 may 2019].

<sup>5</sup> Ibid.

<sup>6</sup> Cf. AYMANS, W., «Gliederungs- und Organisationsprinzipien», in *Handbuch des katholischen Kirchenrechts*, ed. HAERING, S., REES, W., SCHMITZ, H., Regensburg 2015<sup>3</sup>, p. 439.



*spiritual heritage. Some of these churches, notably the ancient patriarchal churches, as parent-stocks of the Faith, so to speak, have begotten others as daughter churches, with which they are connected down to our own time by a close bond of charity in their sacramental life and in their mutual respect for their rights and duties”.*

The “Eastern Catholic Churches” are in full communion with the Catholic Church, recognise the papal primacy to its full extent and share the same doctrine of faith as the entire Catholic Church, but they preserve and maintain their own liturgical traditions, spirituality and church discipline<sup>7</sup>.

## 2.1. TERM: “CHURCHES *SUI IURIS*”

What does the term “churches *sui iuris*” mean? The Catholic Church regulates its own affairs through internal legal norms, known as the canon law. While many laws apply to the entire Catholic Church, the Churches *sui iuris* possess broad autonomy to arrange their internal order themselves. The central legal texts are the Code of Canon Law of 1983 and the Code of the Canons of the Eastern Churches (CCEO) of 1990. The former code only refers to the Western Latin Church while the latter code forms the legal framework of the Eastern Catholic Churches.

The Second Vatican Council solemnly declared (Art. 5 *Orientalium Ecclesiarum*):

*“[...] the Churches of the East, as much as those of the West, have a full right and are in duty bound to rule themselves, each in accordance with its own established disciplines, since all these are praiseworthy by reason of their venerable antiquity, more harmonious with the character of their faithful and more suited to the promotion of the good of souls”.*

---

<sup>7</sup> Cf. MYKHALEYKO, A., *Die katholischen Ostkirchen*, Göttingen 2012, pp. 11-12.



The term Church *sui iuris* is not meant to stress independence so much as to emphasise the fact that these Churches are endowed with their own identities. It must not be confused with the term “rite”.

## 2.2. TERM: “RITE”

For a long time the designation “rite” was used with reference to Churches. This is imprecise, however, because not all Churches *sui iuris* differ from each other in their rite. Rather, several Churches belong to the same family of rite<sup>8</sup>. The term “rite” means something else. It is defined in the Code of Canons of the Oriental Churches (c. 28 § 1): “A rite is the liturgical, theological, spiritual and disciplinary patrimony, culture and circumstances of history of a distinct people, by which its own manner of living the faith is manifested in each Church *sui iuris*”.

## 3. THE EASTERN CATHOLIC CHURCHES AND MIGRATION

### 3.1. SPECIFIC ASPECTS OF MIGRATION FROM EASTERN CATHOLIC CHURCHES

The homelands of many Eastern Catholic Churches lie in the countries of the Middle East and North Africa, from which a strong flow of migration to Europa can be observed. In their countries of origin they form a minority in two regards: as Christians they are a minority *vis-à-vis* the Muslims, and as Catholics they are a minority *vis-à-vis* the other Christians.

Today believers from at least twelve of the total twenty-three Eastern Catholic Churches are demonstrably present in Germany<sup>9</sup>. For example, according

<sup>8</sup> There are five families of rite in total: the Alexandrian, the Antiochene (West Syrian), the Chaldean (East Syrian), the Armenian, and the Byzantine or Constantinopolitan traditions.

<sup>9</sup> DRITTER KATHOLISCHER FLÜCHTLINGSGIPFEL ARBEITSGRUPPE 6: Katholiken aus dem Orient – gemeinsam Vielfalt lernen, 6.11.2017. [<https://dbk.de/themen/fluechtlingshilfe/katholischer-fluechtlingsgipfel/dritter-katholischer-fluechtlingsgipfel-2017/> accessed 5 may 2019].



to estimates 10.000 Chaldeans, 8.000 Maronites, and 30.000 members of the Ukrainian Greek Catholic Church live in Germany<sup>10</sup>. Due to their small numbers, they receive scant attention. However, their special status in canon law raises quite particular questions in the diaspora.

### 3.2. PROBLEMS OF CANON LAW

Various conversations in the preparatory stage of the project already brought problems requiring a canon law solution to light. The following are a few examples:

1. The parish priests of the Latin Church often have no experience with members of the Eastern Catholic Churches. They do not know what to do when they would like to marry or to have their children baptised. On the other hand, there are too few priests from the Eastern Catholic Churches<sup>11</sup>. Some have arrived among the refugees, but they still hardly speak any German. It was reported that one Eastern Catholic priest had found a job in a German car factory. It would have been better if he had introduced himself to the diocese<sup>12</sup> and been employed in pastoral work. In the diocese of Münster, Father ABOUD, who comes from Lebanon, holds services in Arabic<sup>13</sup>. In this way many refugees from Arabic countries have found a spiritual home.

<sup>10</sup> Cf. KONERSMANN, P., «Integration von zugewanderten Christen fördern. Die Seele nachkommen lassen», cit.

<sup>11</sup> Cf. SALACHAS, D., «I ministri sacri orientali nelle circoscrizioni latine», in *Cristiani orientali e pastori latini*, ed. GEFAELL, P., Milano 2012, p. 110.

<sup>12</sup> C. 386 CCEO: “§ 1 Clerics, even if they do not have a residential office, nevertheless are not to leave their eparchy for a notable period of time determined by particular law without the permission, at least presumed, of their local hierarch. § 2 A cleric who is residing outside his own eparchy is subject to the eparchial bishop in those matters which regard the obligations of his state of life. If he will reside there for a lengthy time, he is to inform the local hierarch without delay”.

<sup>13</sup> MOORKAMP, T., «Wie finden Flüchtlinge eine kirchliche Heimat?», in *bistummuenster.de* del 11.5.2018:

[[https://www.bistummuenster.de/startseite\\_aktuelles/newsuebersicht/news\\_detail/podium\\_wie\\_finden\\_fluechtlinge\\_eine\\_kirchliche\\_heimat/](https://www.bistummuenster.de/startseite_aktuelles/newsuebersicht/news_detail/podium_wie_finden_fluechtlinge_eine_kirchliche_heimat/) accessed 5 may 2019].



2. Furthermore, church buildings are needed for liturgical celebrations. The Latin Church has several buildings hardly being used. The problem is, however, that their equipment does not match the requirements of the Eastern liturgy<sup>14</sup>. Finally, conferring the sacrament of confirmation is also a problem. In Germany, this sacrament is conferred in the Latin Church to young people from the age of 12.
3. The conferral is preceded by catechism which is important for the young people's religious education. In the Eastern Catholic Church, however, the chrismation with holy Myron is conferred together with baptism in infancy. It cannot be repeated. In order not to exclude the young believers and deprive them of religious education, the solution was found that they should also participate in the confirmation catechism and receive only a blessing instead of the sacrament.

All in all, the problems can be summarised as follows:

*“Many refugees from the Middle East are members of local Catholic churches which are united with Rome. The classical native-language missions which were established decades ago for Catholic labour migrants are however unable to meet the need for pastoral support for Christian refugees from the Middle East by themselves”<sup>15</sup>.*

The Catholic immigrants who came to Germany in previous decades belonged to the Latin Church. The goal was to integrate them gradually into the Latin parishes. With the members of the Eastern Catholic Churches, however, this is

---

<sup>14</sup> A handout by the diocese of Limburg offers a little help to Catholics from Eritrea. It portrays the celebration of the Eucharist in two languages, German and Tigrinya. This allows believers from Eritrea, whose own rite would be the Geez rite, to follow the service in the Roman rite in German, cf. BISTUM LIMBURG, «Eine Handreichung für Katholiken aus Eritrea: Katholische Eucharistiefeyer. Deutsch – Tigrinya», 18.3.2016, [[https://www.bistumlimburg.de/fileadmin/redaktion/Portal/Downloadbereich/Eucharistiefeyer\\_UEbersetzung\\_Tigrinya.pdf](https://www.bistumlimburg.de/fileadmin/redaktion/Portal/Downloadbereich/Eucharistiefeyer_UEbersetzung_Tigrinya.pdf) accessed 5 may 2019].

<sup>15</sup> GERMAN BISHOPS' CONFERENCE., «Guidelines for the German Catholic Church's commitment to refugees», in *Arbeitshilfen* 282 (2016), n. 3.2.



completely different<sup>16</sup>. They have the right and the duty to preserve and cultivate their own rites (cc. 17 and 40 § 3 CCEO)<sup>17</sup>.

#### 4. INSTRUMENTS OF CANON LAW FOR BUILDING AN ORGANISATIONAL STRUCTURE

On the one hand, the laity has the right to participate actively in the liturgical celebrations of any Church *sui iuris* whatsoever according to the prescripts of the liturgical books (c. 403 § 1 CCEO). This provision eases the situation in the diaspora because the faithful can receive pastoral services in a different rite. On the other hand, they have the right and the duty to preserve their own rite (c. 40 § 3 CCEO). In addition, they have the right to worship God according to the prescriptions of their own Church (c. 17 CCEO). This right is matched by the duty of bishops who have been committed the care of faithful of another Church *sui iuris*. They are bound by the serious obligation of providing all necessary means for these Christian faithful to retain the rite of their own Church, cultivate and observe it as much as they can (c. 193 § 1 CCEO). Consequently, pastoral structures for migrants from Eastern Catholic Churches have to be designed in such a way that the autonomy of these Churches remains intact and that their rites can be followed. Canon law provides for various pastoral structures, which are presented below.

<sup>16</sup> Cf. VASIL, C., «Diaspora. Aus der Sicht der Kongregation für die Orientalischen Kirchen», in *Kanon XXIII Diaspora*, Hefner 2012, p. 159; MANDIYIL, J., «La situazione giuridica e pastorale dei fedeli delle Chiese cattoliche orientali in Germania», in *Ius Ecclesiae* 25 (2013), p. 151.

<sup>17</sup> PONTIFICAL COUNCIL FOR THE PASTORAL CARE OF MIGRANTS AND ITINERANT PEOPLE, Instruction «Erga migrantes caritas Christi (The love of Christ towards migrants)», 3.5.2004, in AAS 96 (2004), pp. 762-822, art. 38: “There is a “need to safeguard universality and unity, which cannot, however, clash at the same time with the specific pastoral care that, if possible, entrusts migrants to presbyters of the same language, of their own Church *sui iuris*, or to presbyters who are close to them from a linguistic and cultural point of view”.



#### 4.1. ESTABLISHING THEIR OWN HIERARCHY

The first structure consists in establishing their own hierarchy. A hierarchy for a Church *sui iuris* can also be established outside its native territory. In this sense Pope John the twenty-third established an apostolic exarchy for the Catholic Ukrainians of the Byzantine rite in Germany in 1959<sup>18</sup>. The Ukrainians form the largest group of Oriental Catholics in Germany. Their presence goes back to their immigration after the First World War. The current Exarch, based in Munich, is Bishop Petro KRYK. However, this structure, which guarantees the highest degree of autonomy, requires a certain size and stability. This does not seem appropriate for smaller, only recently immigrated groups.

#### 4.2. OUTSIDE THEIR OWN HIERARCHY

The following structures are outside their own Hierarchy. In territories where no hierarchy has been constituted for the faithful of a certain Church *sui iuris*, the hierarch of another Church *sui iuris* of the place is to be considered the proper hierarch of these faithful (c. 916 § 5 CCEO). If there are several Churches, the Apostolic See designates one of them. In Germany, the Latin Church or the Ukrainian Catholic Church would come into consideration. In 1994, the Congregation for the Oriental Churches decided that, with the exception of the Ukrainians, all Oriental Catholics living in Germany should be subject to the jurisdiction of the local Latin ordinary<sup>19</sup>. This means that the Latin diocesan bishops

<sup>18</sup> Cf. PREE, H., «Die Apostolische Exarchie für katholische Ukrainer des byzantinischen Ritus in Deutschland und Skandinavien und ihr rechtliches Verhältnis zur Römisch-Katholischen Kirche in Deutschland», in *Clarissimo Professore Doctori Carolo Giraldo Fürst. In memoriam Carl Gerold Fürst*, ed. GÜTHOFF, E., KORTA, S., WEIß, A., Frankfurt a.M. 2013, pp. 421-440.

<sup>19</sup> CONGREGATION FOR THE ORIENTAL CHURCHES, «Decree», in *Archiv für katholisches Kirchenrecht* 164 (1995), p. 152.





bear the jurisdictional and pastoral responsibility<sup>20</sup> What kind of pastoral structures can be created within the Latin dioceses for Oriental Catholics?<sup>21</sup>

1. *Priests*: The easiest way is for the diocesan bishop simply to appoint a priest for the pastoral care of Oriental Catholics (c. 383 § 2 CIC, c. 193 § 2 CCEO).
2. *Missio cum cura animarum*: The next level is to establish a *missio cum cura animarum*. This is the classic formula for communities still being built up, applied to ethnic or national groups or those of a given rite that have not yet settled down (No. 91 *Erga migrantes*)<sup>22</sup>.
3. *Parishes*: A *missio cum cura animarum* is still not a parish, but there is also the possibility of appointing a pastor (c. 383 § 2 CIC, c. 193 § 2 CCEO) and thereby creating a personal parish. “A *personal ethnic-linguistic parish or one based on a particular rite is foreseen for places where there is an immigrant community that will continually have newcomers even in the future, and where that community is numerically strong*” (No. 91 *Erga migrantes*)<sup>23</sup>.
4. In 2010 the bishop of the diocese of Rottenburg-Stuttgart established a personal parish for the Chaldean Catholics<sup>24</sup>.
5. *Episcopal Vicars*: The highest level provided for in the Codes is the appointment of an episcopal vicar or *syncellus* (c. 383 § 2 CIC, c. 193 § 2

<sup>20</sup> Cf. MANDIYIL, J., «La situazione giuridica e pastorale dei fedeli delle Chiese cattoliche orientali in Germania», cit., pp. 135-137.

<sup>21</sup> C. 38 CCEO: “*Christian faithful of Eastern Churches even if committed to the care of a hierarch or pastor of another Church sui iuris, nevertheless remain enrolled in their own Church*”.

<sup>22</sup> Art. 7 § 2 *Erga migrantes*: “*The chaplain entrusted with a missio cum cura animarum, always observing due distinctions, is juridically equivalent to a parish priest and performs his functions together with the local parish priest. He likewise has the faculty to assist at the celebration of a marriage when one of the spouses is a migrant belonging to his mission*”.

<sup>23</sup> No. 55 *Erga migrantes*: “*Whenever this is done, these parishes will juridically form an integral part of the Latin diocese, and the parish priests of the rite concerned will be members of the diocesan presbyterate of the Latin bishop*”.

<sup>24</sup> DECREE., «Über die Änderung des Dekrets zur Errichtung der Chaldäischen Katholischen Gemeinde Stuttgart Mar Shimon Bar Sabai vom 1. Oktober 2010, BO-Nr. 2958 - 31.05.16», in *Kirchliches Amtsblatt Rottenburg-Stuttgart* 8 (2016), pp. 214.



CCEO). He possess the same ordinary power which a vicar general has by universal law (c. 476 CIC)<sup>25</sup>.

Another possibility, which is not regulated by the Codes, would be Ordinariates for Oriental Catholics<sup>26</sup>. This means that a Latin diocesan bishop would be appointed as ordinary for the Oriental Catholics living in a country's territory<sup>27</sup>. He would receive exclusive jurisdiction over the members of one, of some or of all Eastern Catholic Churches. This form of organisation has not been implemented in Germany until now, although it has in Austria<sup>28</sup>.

## 5. BETWEEN IDENTITY AND INTEGRATION

In conclusion, it can be determined that canon law provides several instruments for organising the pastoral care of migrants from Eastern Catholic Churches. The different instruments will seem more or less practical according to the individual size, stability and integrity of each group. The various solutions provided by Canon Law lie in a field of tension between integration and identity.

On one hand, Eastern Catholic Churches are in full communion with the Latin Church and are completely integrated in this respect. True equality exists between

<sup>25</sup> Eparchial bishops, who appoint such presbyters, pastors or syncelli for the care of Christian faithful of patriarchal Churches, are to formulate plans of action with the patriarchs who are concerned in the matter and, if they are in agreement, act by their own authority and notify the Apostolic See as soon as possible; if the patriarchs, for any reason whatever, disagree, the matter is to be referred to the Apostolic See (cf. c. 193 § 3 CCEO). This is valid for latin bishops too: VASIL, C., «Diaspora. Aus der Sicht der Kongregation für die Orientalischen Kirchen», cit., p. 162; PREE, H., «Eine Kirche in vielen Völkern, Sprachen und Riten», in *Archiv für katholisches Kirchenrecht* 178 (2009), p. 418.

<sup>26</sup> Cf. PIUS PP. X, «Apostolic letter *Officium supremi Apostolatus*», in AAS 4 (1912), pp. 555-556.

<sup>27</sup> Cf. KAPTIJN, A., «Gli ordinariati per I fedeli cattolici orientali privi di gerarchia propria», in *Cristiani orientali e pastori latini*, ed. GEFAELL, P., Milano 2012, p. 258.

<sup>28</sup> Cf. PREE, H., «Zur Rechtsstellung der Ukrainischen Griechisch-Katholischen Kirche in Österreich», in *Recht – Religion – Kultur. Festschrift für Richard Potz zum 70. Geburtstag*, ed. SCHINKELE, B., KUPPE, R., SCHIMA, S., SYNEK, E. M., WALLNER, J., WIESHAIDER, W., Wien 2014, pp. 663-678.



all the faithful (c. 11 CCEO) and lay persons have the right to participate actively in the liturgical celebrations of any Church *sui iuris* (c. 403 § 2 CCEO).

On the other hand, Canon Law protects their identity which is based on important traditions from the church's history. For example, the faithful are obliged to preserve their own rite (c. 40 § 3 CCEO), and they are entitled to liturgical services according to the prescriptions of their own church (c. 17 CCEO). The Bishops have the corresponding obligation to provide all necessary means for that purpose (c. 193 § 1 CCEO).

Identity and integration are also two key concepts which are important to Cardinal Marx, the archbishop of Munich and Freising and president of the German Bishops' Conference. He expounded on them in an address at the conference on migration and integration at the United Nations in Geneva on 30<sup>th</sup> November 2017. He said: *“The genuine empowerment of migrants is a decisive step towards successful integration”*<sup>29</sup>.

---

<sup>29</sup> CARDINAL REINHARD MARX., «High-level event on Migration and Integration», 30.11.2017, Geneva [<https://www.erzbistum-muenchen.de/cms-media/media-41016720.pdf> accessed 5 may 2019]: *“However, one needs to resist the tendency of turning positive identities into negative identities: At times, the recourse to human rights or to Christianity or to other elements constitutive of our societies is simply misused as an instrument of exclusion. This happens when the values we rightfully cherish are not brought to life in an inviting and inspiring manner but are treated as rigid demarcation lines: ‘This is us and that is you – and between us there is an insurmountable trench.’ Such discourses of separation are typically the symptom of a deep uncertainty about one’s own identity and belonging. [...] The genuine empowerment of migrants is a decisive step towards successful integration. [...] What is essential is some sense of belonging, a consciousness of being part of a community. Both among the local population and among migrants a shared responsibility for the common good needs to evolve. [...] It has to be driven by mutual recognition and mutual esteem”*.